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STATUS OF THE PROTOCOLS ADDITIONAL TO THE GENEVA CONVENTIONS OF 1949 AND RELATING TO THE PROTECTION OF VICTIMS OF ARMED CONFLICTS

Report of the Secretary-General

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I. INTRODUCTION

1. On 28 November 1990, the General Assembly adopted resolution 45/38 entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts". In paragraph 5 of the resolution, the Assembly requested the Secretary-General to submit to it at its forty-seventh session a report on the status of the additional Protocols based on information received from Member States.

2. Pursuant to that request, the Secretary-General, by a note dated 8 March 1991 and a reminder dated 23 December 1991, invited Member States to transmit to him for inclusion in the report the information requested in paragraph 5 of the resolution.

3. The present report reproduces the replies received as at 14 July 1992. Replies that may be forthcoming will be reproduced as addenda to the present report.

4. The list of all States that are parties to the Protocols 1/ Additional to the Geneva Conventions of 1949 2/ as at 2 July 1992, as communicated by the competent authorities of the Government of Switzerland, depositary of the Protocols, appears in the annex to the present report.

II. INFORMATION RECEIVED FROM MEMBER STATES

AUSTRALIA

[Original: English]

[28 June 1991]

Australia's instruments of ratification of Protocols I and II to the Geneva Conventions of 1949 were deposited with the Government of Switzerland on 21 June 1991. In addition the Government of Australia sees value in making a declaration under article 90 of Protocol I and is currently undertaking internal consultations with a view to making such a declaration.

AUSTRIA

[Original: English]

[4 April 1991]

Austria ratified the two Protocols Additional to the Geneva Conventions of 1949 on 13 August 1982. The Protocols entered into force for Austria on 13 February 1983. Upon ratification the Republic of Austria declared under article 90, paragraph 2, of additional Protocol I that in relation to any other High Contracting Party that undertakes the same obligation, it will

de jure and without special agreement recognize the competence of the International Fact-finding Commission.

BOLIVIA

[Original: Spanish]

[5 July 1991]

1. The Government of Bolivia, through a supreme decree issued by the Executive, acceded on 8 August 1983 to additional Protocols I and II to the Geneva Conventions of August 1949 relating to the protection of victims of international armed conflicts (Protocol I) and the protection of victims of non-international armed conflicts (Protocol II) adopted at the Diplomatic Conference on 8 July 1977 at Geneva.

2. Subsequently, the National Congress adopted Act No. 1151 of 14 May 1990 ratifying both the four Geneva Conventions of 12 August 1949 and the additional Protocols of 8 July 1977 so that they became part of the law of the Republic.

3. This move on the part of the Government of Bolivia was praised on 31 October 1990 by the President of the International Committee of the Red Cross, Mr. Cornelio Sommaruga, who noted that Bolivia had demonstrated yet again its interest in international humanitarian law.

GREECE

[Original: English]

[2 March 1992]

On 31 March 1989, Greece ratified additional Protocol I to the Geneva Conventions of 1949, relating to the protection of victims of armed conflicts and recently has initiated the internal procedures to ratify additional Protocol II of the said Convention.

HAITI

[Original: French]

[5 June 1991]

1. By decree of 13 March 1985, published in the Moniteur No. 51 on Thursday, 25 July 1985, the Government of Haiti approved the two Protocols Additional to the Geneva Conventions of 1949.

2. The texts of the said Protocols were published in the following issues of the Moniteur: No. 58 of 22 August 1985; No. 62 of 5 September 1985; No. 65 of 16 September 1985; and No. 71 of 7 October 1985.

HUNGARY

[Original: English]

[6 July 1992]

1. As in previous decades, Hungary has followed with great attention the development of international humanitarian law. At the same time the change of regime in the country has enabled the Government of Hungary repeatedly to express to world public opinion its commitment to the broad application of the principles of international humanitarian law and to call attention to the need for respect for human rights.

2. The signatories to the highly important Geneva Conventions of 1949 were joined by the representative of the Government of Hungary. The Conventions entered into force for Hungary on 3 February 1955.

3. The additional Protocols adopted in 1977 marked a further development of international humanitarian law. Hungary signed additional Protocols I and II on 12 December 1977, which entered into force of law on 12 October 1989.

4. In its article 90, Protocol I prescribed the setting up of a Fact-finding Commission, the terms of reference of which the States Parties to the Protocol may recognize for themselves by a declaration of acceptance to the depository. In this respect Hungary acted so on 7 August 1991 and the relevant instrument was deposited with the Government of the Swiss Confederation on 23 September 1991.

5. In accordance with its statement in that instrument, the Government of Hungary recognized ipso facto and without any separate agreement the competence of the Commission to consider any complaints submitted under the aforementioned article by any of the States that had undertaken a similar obligation.

6. Under article 38 of additional Protocol I, the International Committee of the Red Cross may, after a lapse of four years following the entry into force of the Protocol and at least every four years thereafter, request the views of the Contracting Parties concerning the annex to Protocol I and may propose the convening of a technical meeting of experts to formulate proposals for a revision of and an amendment to the annex.

7. The proposed amendments were to have been considered at a Conference of the Red Cross and Red Crescent, which had been scheduled to take place at Budapest at the end of 1991. Hungary had considered it a great privilege to host that highly important conference, thereby recognizing the paramount significance it attaches to the role of the Red Cross in our times.

8. However, for reasons beyond Hungary's control that part of the conference which was to be held with the participation of States parties did not take place, to the greatest regret of the Hungarian side.

9. Acting in accordance with consultations with the States parties, Switzerland, as the depository State, rather than convening a new, separate conference, has transmitted to the Governments of the States concerned the proposals for amending annex I.

10. The competent Hungarian authorities agreed with the proposed amendments subject to an observation of a technical nature.

11. The Government of Hungary devotes great attention to as wide a dissemination of possible of the rules of humanitarian law.

12. Additional Protocols I and II were promulgated by Law-Decree No. 20 of 1989 and their provisions thus became accessible to all inhabitants of Hungary. The Law-Decree made implementation of the Protocols a responsibility of the Secretary-General of the Hungarian Red Cross.

13. The Hungarian Red Cross participates in teaching and disseminating the provisions of the Geneva Conventions and the Protocols thereto and, to that end, issues large numbers of publications and other materials on the subject. It maintains wide contacts with the international organizations of the Red Cross and other agencies of a partially similar nature (e.g. the Institute of International Humanitarian Law at San Remo). It has also arranged courses specifically on humanitarian law.

14. The Government of Hungary continues to support Red Cross efforts in the field of development of international humanitarian law and closely cooperates with the Red Cross in providing practical assistance for refugees who have fled to Hungary because of the Southern Slav conflict.

15. As regards Hungarian educational institutions, the law schools of universities teach international humanitarian law as part of the subject of international law.

16. As concerns the armed forces of the Republic of Hungary, paramount importance is attached to the provisions of Act I of 1976 on National Defence, which require the organs, armed forces, armed bodies and citizens of the Republic of Hungary to observe the rules of international law on warfare in accordance with the relevant international conventions.

17. An amendment of 1989 inserted the text of the military oath, which, for the first time in the history of the Hungarian Army, includes the passage "I shall observe the provisions of the international law of war".

18. The order of the Commander of the Hungarian Army introducing the teaching of the additional Protocols became effective on 13 February 1989. Under this regulation, the provisions of the Protocols are disseminatd by publications

within the Hungarian Army, while the students of the Military Academy and College receive training in the law of war. The field officers trained in law or administrative sciences and attached to unit commanders of the Hungarian Army have been constantly involved in the dissemination of the law of war, but, in view of article 82 of Protocol I, efforts will be undertaken to establish a team of specialized officers concerned chiefly with consultations on the law of war.

19. As a result of the working relationship between the Hungarian Red Cross and the Hungarian Army, the International Committee of the Red Cross provided lecturers and materials in international law for long-term use for the holding of a three-day seminar for 106 Hungarian military officers at Budapest in November 1991.

20. Important progress in the field of humanitarian assistance was represented by the fact that the Republic of Hungary became a member of the International Organization of Migration in 1991 and that the two parties signed an agreement on 7 April 1992.

LIECHTENSTEIN

[Original: English]

[27 March 1991]

The Principality of Liechtenstein became a party to the two additional Protocols on 10 February 1990 and, in becoming party to Protocol I, made the declaration provided for under article 90 of that Protocol.

MALAWI

[Original: English]

[20 February 1992]

The Government of Malawi deposited her instruments of accession to additional Protocols I and II with the Government of Switzerland and, in accordance with the final clauses of the two Protocols, the accession by Malawi shall take effect on 7 April 1992.

URUGUAY

[Original: Spanish]

[20 January 1991]

The Eastern Republic of Uruguay has been a party to additional Protocols I and II to the Geneva Conventions since 13 June 1986.

VENEZUELA

[Original: Spanish]

[10 June 1992]

1. The additional Protocol relating to the protection of victims of armed international conflicts is currently being considered by the Congress of the Republic for possible adoption by way of a Special Act.

2. With regard to additional Protocol II on the protection of victims of non-international armed conflicts, the Government of Venezuela is still considering whether it would be appropriate for it to accede to this international instrument.

Notes

1/ United Nations, Treaty Series, vol. 1125, Nos. 17512 and 17513.

2/ Ibid., vol. 75, Nos. 970-973.

ANNEX

List of States parties to the Protocols Additional to the Geneva Conventions of 1949 as at 2 July 1992 a/

State	Date of ratification, accession, or succession
Algeria*	16 August 1989
Angola* (Protocol I only)	20 September 1984
Antigua and Barbuda	6 October 1986
Argentina*	26 November 1986
Australia*	21 June 1991
Austria*	13 August 1982
Bahamas	10 April 1980
Bahrain	30 October 1986
Bangladesh	8 September 1980
Barbados	19 February 1990
Belarus*	23 October 1989
Belgium*	20 May 1986
Belize	29 June 1984
Benin	28 May 1986
Bolivia	8 December 1983
Botswana	23 May 1979
Brazil	5 May 1992
Brunei Darussalem	14 October 1991
Bulgaria	26 September 1989
Burkina Faso	20 October 1987
Cameroon	16 March 1984
Canada*	20 November 1990
Central African Republic	17 July 1984
Chile*	24 April 1991
China*	14 September 1983
Comoros	21 November 1985
Congo	10 November 1983
Costa Rica	15 December 1983
Côte d'Ivoire	20 September 1989
Croatia*	11 May 1992
Cuba (Protocol I only)	25 November 1982
Cyprus (Protocol I only)	1 June 1979
Czechoslovakia	14 February 1990
Democratic People's Republic of Korea (Protocol I only)	9 March 1988

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* Ratification, accession or succession accompanied by a reservation and/or a declaration.

State	Date of ratification, accession, or succession
Denmark*	17 June 1982
Djibouti	8 April 1991
Ecuador	10 April 1979
El Salvador	23 November 1978
Equatorial Guinea	24 July 1986
Finland*	7 August 1980
France (Protocol II only)	24 February 1984
Gabon	8 April 1980
Gambia	12 January 1989
Germany*	14 February 1991
Ghana	28 February 1978
Greece (Protocol I only)	31 March 1989
Guatemala	19 October 1987
Guinea	11 July 1984
Guinea-Bissau	21 October 1986
Guyana	18 January 1988
Holy See*	21 November 1985
Hungary	12 April 1989
Iceland*	10 April 1987
Italy*	27 February 1986
Jamaica	29 July 1986
Jordan	1 May 1979
Kazakhstan	5 May 1992
Kuwait	17 January 1985
Lao People's Democratic Republic	18 November 1980
Latvia	24 December 1991
Liberia	30 June 1988
Libyan Arab Jamahiriya	7 June 1978
Liechtenstein*	10 August 1989
Luxembourg	29 August 1989
Madagascar	8 May 1992
Malawi	7 October 1991
Maldives	3 September 1991
Mali	8 February 1989
Malta*	17 April 1989
Mauritania	14 March 1980
Mauritius	22 March 1982
Mexico (Protocol I only)	10 March 1983
Mozambique (Protocol I only)	14 March 1983
Netherlands*	26 June 1987
New Zealand*	8 February 1988
Niger	8 June 1979
Nigeria	10 October 1988
Norway*	14 December 1981
Oman*	29 March 1984
Paraguay	30 November 1990
Peru	14 July 1989

State	Date of ratification, accession, or succession
Philippines (Protocol II only)	11 December 1986
Poland	23 October 1991
Portugal	27 May 1992
Qatar* (Protocol I only)	5 April 1988
Republic of Korea*	15 January 1982
Romania	21 June 1990
Russian Federation*	29 September 1989
Rwanda	19 November 1984
Saint Kitts and Nevis	14 February 1986
Saint Lucia	7 October 1982
Saint Vincent and the Grenadines	8 April 1983
Samoa	23 August 1984
Saudi Arabia (Protocol I only)*	21 August 1987
Senegal	7 May 1985
Seychelles*	8 November 1984
Sierra Leone	21 October 1986
Slovenia*	26 March 1992
Solomon Islands	19 September 1988
Spain*	21 April 1989
Suriname	16 December 1985
Sweden*	31 August 1979
Switzerland*	17 February 1982
Syrian Arab Republic (Protocol I only)*	14 November 1983
Togo*	21 June 1984
Tunisia	9 August 1979
Turkmenistan	10 April 1992
Uganda	13 March 1991
Ukraine*	25 January 1990
United Arab Emirates*	9 March 1983
United Republic of Tanzania	15 February 1983
Uruguay*	13 December 1985
Vanuatu	28 February 1985
Viet Nam (Protocol I only)	19 October 1981
Yemen	17 April 1990
Yugoslavia*	11 June 1979
Zaire (Protocol I only)	3 June 1982

Notes

a/ As communicated by the competent authorities of the Government of Switzerland, depositary of the Protocols. By a note dated 15 August 1990, the Permanent Observer Mission of Switzerland informed the Secretary-General as follows:

Notes (continued)

"On 21 June 1989, the Federal Department for Foreign Affairs received a communication of 14 June 1989 from the Permanent Observer of Palestine to the United Nations Office at Geneva concerning Palestine's participation in the four Geneva Conventions of 12 August 1949 and their two additional Protocols of 8 June 1977. On 18 September 1989, the Federal Department for Foreign Affairs sent to the States parties to the Conventions an information note of 13 September 1989 regarding this communication, accompanied by the text of the latter. In the information note, the Swiss Federal Council, depositary of the Conventions, brings to the attention of the States parties that it is not in a position to settle the question whether the communication should be considered an instrument of accession within the meaning of the relevant provisions of the Conventions and their Additional Protocols."